

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

RANI THYKKUTTATHIL and RYAN
WELLMAN, wife and husband,

Plaintiff,

v.

JAMES KEESE, III, and SARA KEESE,
husband and wife, and their marital community
composed; CAPITOL ADVOCACY GROUP,
LLC, a foreign limited liability company;
CAPITOL HEALTH ASSOCIATES, LLC, a
foreign limited liability company; and,
PROGRESSIVE MAX INSURANCE
COMPANY, a foreign insurer;

Defendants.

CASE NO. C12-1749RSM

ORDER ON MOTION FOR SUMMARY
JUDGMENT

Plaintiffs Rani Thykkuttathil and Ryan Wellman, husband and wife, filed this tort action in state court on June 22, 2011. Dkt. # 1-2. The claims arise from a June 23, 2009, automobile accident in which plaintiffs were injured. The original complaint names as defendants the driver of the other car and his wife. *Id.* On September 20, 2012, plaintiffs moved for leave to amend their complaint to add additional defendants, specifically the employers of defendant James Keese, and the plaintiffs' own insurer (defendant Progressive), under the Underinsured Motorist ("UIM") provision of their policy. The motion was granted by the state court, and Progressive removed the action to this Court under the diversity provisions of 28 U.S.C. § 1332.

1 This matter is now before the Court for a ruling on a motion for summary judgment by
2 defendants Capitol Advocacy Group, LLC, and Capital Health Associates, LLC, the employers of
3 defendant James Keese. Dkt. # 98. These defendants assert that the amended complaint, adding them as
4 defendants, was untimely and they ask for dismissal of all claims against them as barred by the
5 applicable three-year statute of limitations.

6 Plaintiffs in response have agreed that the two defendants should be dismissed from the case,
7 saying that they "are no longer necessary parties." Plaintiffs' Response, Dkt. # 100, p. 2. As plaintiffs
8 have failed to oppose the motion on statute of limitations grounds, their lack of opposition is deemed by
9 the Court as an admission that the motion has merit. Local rule LCR 7(b)(2).

10 Accordingly, the two defendants' motion for summary judgment on statute of limitation grounds
11 is GRANTED, and defendants Capitol Advocacy Group, LLC, and Capitol Health Associates, LLC are
12 now DISMISSED from this action.

13 DATED June 5, 2013.

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15 RICARDO S. MARTINEZ
16 UNITED STATES DISTRICT JUDGE
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